

Committee Secretary
Senate Standing Committee on Community Affairs,
P.O.Box 6100
Parliament House
CANBERRA ACT 2600

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A Submission regarding the "Stronger Futures in the Northern Territory Bill 2011"

This submission, made on behalf of the Avila College Reconciliation Group, asks that the government abandon the proposed legislation that will extend the Northern Territory Emergency Response both in time and punitive measures. This request is based on the reports our College has received from communities under the Intervention with which the College has been working. Reports from the prescribed communities in the Northern Territory consistently show that the Intervention is impacting on the health and well-being of the people; that the measures denigrate people; that measures disempower people; that measures are not helping to achieve improved living conditions in communities.

Evidence of this is not only anecdotal, but also supported with studies conducted by the Menzies School of Health Research; the observations of United Nations Representatives who have visited communities such as Navi Pillay; and reports from the Northern Territory on education in the communities. Consistently it has been shown, both in Australia and overseas, that empowering people is the most effective tool for change and for improving people's living conditions so that they can be lifted out of poverty. The proposed legislation does not empower communities and, in fact, shows a lack of respect as it is based on ineffective and flawed consultations. I refer you to the work of "concerned Australians" whose research on the consultations demonstrates the problems with the process that produced this legislation.

Australia has ratified the United Nations Convention on the Rights of Indigenous Peoples. This legislation does not suggest that the government has taken its obligations under this convention seriously. Extending legislation so that it puts at risk the conditions that allow Indigenous peoples to live in a dignified manner on their traditional lands goes against the spirit of the convention. Putting in place legislation that will punish people for educating their children in cultural practices goes against the intent of the convention. Putting in place legislation that will interfere with families having an income that will ensure proper nutrition, housing and health care goes against the convention. If families are removed from benefits because their children are absent from school while attending sorry business or other ceremonies, it takes an extended time before they can once again receive an income. We submit that this will result in families' health and well-being being threatened. This approach seems to contradict the Government's commitment to "Closing the Gap".

We have taken an interest in the Government's commitment to explore the possibility of recognising Aboriginal people in the Australian Constitution. We congratulate the Government on this initiative. At the core of the report of the committee who conducted consultations on possible Constitutional change, is the need for Australia to remove legislation that can be seen to be racist. In the light of this positive proposal for our Constitution, it must be highlighted that the "Stronger Futures" legislation would in practise be in opposition to the question being put to the Australian people in a referendum.

We ask that the Committee recommend that the Federal Government abandon this legislation and instead put in place structures that are based on real consultations with communities. That the approaches adopted be ones that empower people, give them hope, and improve health and education outcomes constructively – so that the gap can be closed; so that people can live with dignity; so that the next generation can be educated in a manner that allows them to operate in both their traditional culture and the world of modern Australia.

Yours sincerely

Christine Valladares
The Avila College Reconciliation Group.